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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DARREN HARRIS,

11 Plaintiff,

No. 1:05-cv-00003 ALA P

12 vs.

13 DR. KIM, et al.,

14 Defendants.

ORDER

15 \_\_\_\_\_/  
16 On December 6, 2007, this court issued an order which allowed plaintiff to proceed in  
17 this action against some, but not all, of the named defendants or file an amended complaint.  
18 That order was served on plaintiff's address of record and returned by the postal service on  
19 December 21, 2007.

20 Plaintiff has now filed a motion requesting an enlargement of time to file an amended  
21 complaint, as well as a motion for the appointment of counsel. In his motion, plaintiff claims  
22 that he received the courts December 6, 2007, order on February 20, 2008, and therefore, that the  
23 date of that order is an error. Plaintiff is informed that the date of the court's December 6, 2007,  
24 order is not in error.

25 After the court's December 6, 2007, order was returned to the court as undeliverable,  
26 plaintiff filed a motion for production of interrogatories. Written on that filing was plaintiff's  
27 updated address. The Clerks Office then reserved plaintiff with the returned order at his current  
28 address.

1 It appears plaintiff failed to comply with Local Rules 83-182(f), and 11-110 (E.D. Cal.  
2 1997), which require that a party appearing in propria persona inform the court of any address  
3 change. Plaintiff is reminded of his obligation to comply with these rules and that failure to  
4 comply in the future will result in dismissal of this action.

5 As to plaintiff's motion for the appointment of counsel, the United States Supreme Court  
6 has ruled that district courts lack authority to require counsel to represent indigent prisoners in  
7 § 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989). In certain  
8 exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to  
9 28 U.S.C. § 1915(e)(1). *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wood v.*  
10 *Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court does not  
11 find the required exceptional circumstances. Plaintiff's request for the appointment of counsel  
12 will therefore be denied.

13 ////

14 Therefore, IT IS HEREBY ORDERED that:

- 15 1. Plaintiff's March 21, 2008, motion to file an amended complaint is GRANTED;  
16 2. Plaintiff shall file an amended complaint within twenty-eight (28) days of the date of  
17 this order;  
18 3. Plaintiff is ordered to provide the court with his current address; and  
19 4. Plaintiff's March 21, 2008, motion for the appointment of counsel is DENIED

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21 DATED: March 21, 2008

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23 /s/ Arthur L. Alarcón  
24 UNITED STATES CIRCUIT JUDGE  
25 Sitting by Designation  
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